

MINUTES OF THE NOVEMBER 8<sup>TH</sup>, 2010 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the town hall on Monday, November 8<sup>th</sup>, 2010 at 7:00 p.m. Present were Council Members George Schenkel, Barry Worl and Alan Korte. Also present were Town Superintendent, Bob Hull and Town Attorney, Neal Blythe. There were 10 citizens who signed the guest register.

Council Member George Schenkel called the meeting to order at 7:00 p.m. by asking those in attendance to stand and recite the Pledge of Allegiance.

George Schenkel asked those in attendance to keep Council Member Sue Williams and her family in their thoughts and prayers during this difficult time following the passing of her husband, Dr. Tom Williams.

A Special Town Council Meeting was held on August 20, 2010 and George Schenkel asked if all Council members had reviewed the minutes from that meeting. There being no additions or corrections George asked that the minutes from August 20<sup>th</sup>, be approved as presented. A motion was made by Alan Korte to accept the minutes as presented, seconded by Barry Worl all in favor and the motion passed.

George Schenkel then asked for any additions or corrections to the October 11<sup>th</sup> Town Council Minutes. There being none, George asked for a motion to accept the minutes as presented. A motion was made by Barry Worl to accept the minutes as presented, Alan Korte seconded, all in favor and the motion passed.

The Clerk/Treasurer gave the Treasurer's report for the month of October, which is attached to the minutes and proceeded with the Voucher Register for the following funds from October 12<sup>th</sup> thru November 8<sup>th</sup>.

General Fund	\$53,931.89
Garbage Fund	37,246.97
Sewer Fund	<u>23,372.21</u>
Total Amount of Vouchers	\$114,551.07

Warrants to be approved were included in the Voucher Register  
Councilman George Schenkel asked for a motion to approve the Financial Reports as presented. Barry Worl made the motion to approve the Treasurer's Report and Voucher Register as presented, seconded by Alan Korte, all in favor and the motion passed.

## REPORTS

FIRE DEPARTMENT – Barry Worl reported for the fire marshal that there were 39 calls for the month of October with one call to the Town of Clear Lake and two in Clear Lake Twp.

MARSHAL’S REPORT – Barry Worl reported for the Marshal that his hours will be changing due to his accepting a position as Chief Deputy at the Sheriff’s Department in Steuben County. Property Owners will still be able to contact Marshal Gonya or one of the Deputies through the Police number listed in the directory.

In the month of October the police department responded to the following incidents:

- 3 background checks
- 1 VIN checks
- 1 criminal mischief - vandalism
- 2 alarms
- 4 assist’s for the Sheriff Department
- 2 assist’s for the Fremont Police
- 1 loud music/explosion complaint

ZONING ADMINISTRATOR – Amy Schweitzer

- 1 permit, new awning @ 8065 E 750 N – Greg Forbing
- 1 permit, new detached garage @ 746 Lake Drive – Tom Bastress
- 1 permit, residential remodel @ 598 Lake Drive – Joyce Eckert
- 1 permit, new home @962 Lake Drive – Miller Family Partnership

Prepared for the BZA meeting November 16<sup>th</sup> a variance for a fence @ 628 Lake Drive for Doug Miller. Variance approved

Administrative Subdivision approved for Brue Spangler @ 222 Lake Drive.

SEWER DEPARTMENT – Bob Hull reported during the month of October that there were 13 locates, 4 service calls and the average daily flow was 43,033 gallons per day.

STREET DEPARTMENT – Street projects are complete and work continues on the berms.

A new drain has been installed at 374 Lake Drive by M & C Trenching. The town is paying 50% of that cost, totaling \$2,582.50.

Several signs were replaced and sand is being stored in the new barn for the streets this winter. Salt will be delivered at a later date.

A quote has been received from W.J. Jones and Crosby Equipment for a new salt spreader, totaling \$3,728, not including an auxiliary battery.

After discussion from the Council, George Schenkel asked for a motion to approve the purchase. A motion was made by Alan Korte to approve the purchase of the new salt spreader, seconded by Barry Worl, all in favor and the motion passed.

George Schenkel reported at this time that property owners on the west side of the lake are very pleased with the road resurfacing this fall.

**BILLING DEPARTMENT** – Bob Hull reported for Laura that Final notices had gone out for the two unpaid garbage accounts and she will be taking the property owners to Small Claims for payment.

If there is a problem with garbage pick-up, please call the Town Hall ASAP on Monday to let Laura know. You can also call dispatch directly at 419-636-3904.

**SEWER DEPARTMENT** – Bob also reported for Laura that another lien was filed for non-payment this month bringing the total of active liens to 10. This does not include the properties that are not connected to the sewer system.

UNFINISHED BUSINESS – Hoagland Limited Family Partnership Fence Case – All of the Clear Lake Town Council, BZA and Plan Commission members agreed to have the case dismissed.

**LITIGATION UPDATE – PRIVATE ROAD 420 – 462:** Neal has conferred with Steve Bruns in the engineering department of Auburn on the requirements of the surveys for the road designation in Point Park Addition of Clear Lake. He will continue to work with Rowland and Burlage surveyors and report further at the December Council Meeting.

**CODIFICATION OF TOWN CODES** – Neal has gone over all of the changes at a meeting with the Clerk/Treasurer and is working on a new ordinance that incorporates all of the changes that need to be made before sending to American Legal for codification. The new ordinance should be ready for the December Council Meeting.

**ORDINANCE 2010-08: AN ORDINANCE ESTABLISHING STAGGERED TERMS FOR TOWN COUNCIL MEMBERS AND THE CLERK-TREASURER – 3<sup>rd</sup> READING.**

George Schenkel asked for a motion to read the ordinance by summary only. The motion was made by Alan Korte to read the ordinance by summary only, seconded by Barry Worl, all in favor and the motion passed.

George read Ordinance 2010-08 by summary only and asked for a motion to accept the ordinance on the third reading. Alan Korte made a motion to accept Ordinance 2010-08 on the third reading, seconded by Barry Worl, all in favor and the motion was accepted.

NEW BUSINESS:

**ORDINANCE 2010-09: AN ORDINANCE SETTING SALARIES AND WAGES OF THE OFFICERS AND EMPLOYEES FOR THE TOWN OF CLEAR LAKE, INDIANA FOR THE CALENDAR YEAR 2011**

George Schenkel read the ordinance in its entirety and asked for a motion to accept the ordinance on the 1<sup>st</sup> reading. Alan Korte made the motion to accept Ordinance 2010-09 on the 1<sup>st</sup> reading, seconded by Barry Worl, all in favor and the motion accepted.

**ORDINANCE 2010-10: AN ORDINANCE AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS FALLING DUE PRIOR TO REGULAR MEETING DATES OF TOWN COUNCIL.**

George Schenkel asked for a motion to read the ordinance by summary only. The motion was made by Barry Worl to read Ordinance 2010-10 by summary only, seconded by Alan Korte, all in favor and the motion passed.

George Schenkel read Ordinance 2010-10 by summary only and asked for a motion to accept the ordinance on the 1<sup>st</sup> reading. Alan Korte made a motion to accept Ordinance 2010-10 on the 1<sup>st</sup> reading, seconded by Barry Worl, all in favor and the motion was accepted.

**ORDINANCE 2010-11: AN ORDINANCE ADOPTING THE TOWN OF CLEAR LAKE ECONOMIC DEVELOPMENT INCOME TAX CAPITAL IMPROVEMENT PLAN**

George Schenkel asked for a motion to read the ordinance by summary only. The motion was made by Barry Worl to read Ordinance 2010-11 by summary only, seconded by Alan Korte and the motion passed.

George Schenkel read Ordinance 2010-11 by summary only and asked for a motion to accept the ordinance on the 1<sup>st</sup> reading. A motion was made by Barry Worl to accept Ordinance 2010-11 the first reading, seconded by Alan Korte, all in favor and the motion was accepted.

**WATER QUALITY COMMITTEE REPORT:**

Annie Skinner reported that the Clear Lake Land Conservancy will be a meeting at St. Paul's Catholic Church tomorrow night. The Davey Group will be reporting on findings from their studies and recommendations for the Clear Lake Watershed. They will also identify the critical wetland inventory in Clear Lakes Watershed. The meeting begins at 7:00 pm and is open to all residents in the area.

**PUBLIC BEACH:** Dave Harris, 253 Lake Drive began his report with a little history on the Public Beach. In 1933 five Clear Lake property owners along with 1<sup>st</sup> Tri-State Bank & Trust quit claim deeded to the County property that we know as the Public Beach for the price of \$1. They attached a stipulation that the property remain a public beach and that the County hard surface the road know as Cyrus Camp Highway or Lake Drive. Failure to do so would cause the property to revert to the original owners.

Forward to 1997 and the County filed papers in the Steuben County Circuit Court for a judgment finding title to relieve the county of the original deed. In 2009 the County Commissioners

engaged a professional appraiser to determine the value of the Public Beach. The appraiser returned two appraisals: one for \$1,010,000 if the property were to be sold to a developer and two an appraisal with a negative value if it were to be kept as a public beach due to the fact that expenses would be incurred to maintain the property.

Word got out that the Commissioners had approached the Town of Clear Lake and the Clear Lake Land Conservancy and the residents were up in arms and they began writing letters to the editor. The Town Council of Clear Lake sent out a survey asking if the Public Beach should be kept as a Public Beach or sold to be developed. The majority responded that they thought that it should be kept a Public Beach.

The County has made repairs regarding the safety issues. Clear Lake volunteers have made many improvements by painting the picnic tables, installing a swing and replacing the rocks that were thrown into the water, but the 40 steps down to the beach need major repairs.

The Public Beach Group is putting together a “Vision for the Public Beach” that they will be presenting to the County Commissioners, but they would like to present it to the Town Council and the Conservancy prior to taking it to the Commissioners.

After much more discussion George Schenkel asked for a motion to adjourn the meeting at 8:05 p.m. A motion was made by Barry Worl to adjourn the meeting, seconded by Alan Korte, all in favor and the motion passed.

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George A. Schenkel, Councilman

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Kay A. Kummer, Clerk - Treasurer

**TOWN OF CLEAR LAKE  
CASH & INVESTMENT BALANCES  
OCTOBER 31, 2010**

GENERAL FUND CASH BEGINNING BALANCE – OCTOBER 1, 2010  
(CORRECTED CASH BALANCE FROM SEPTEMBER) \$464,903

CASH RECEIPTS FOR OCTOBER 14,048

CASH DISBURSEMENTS FOR OCTOBER 21,865

GENERAL FUND CASH ENDING BALANCE – OCTOBER 31, 2010 **\$457,086**

GENERAL FUND CD'S AS OF OCTOBER 31, 2010 \$225,000

Motor Vehicles Highway – \$50,000 @ 1.17% matures 11/20/10

Cumulative Capital Development – \$100,000 @ 1.27% matures 11/20/10

General Fund – \$75,000 @ 1.27% matures 11/20/10

**TOTAL CASH AND INVESTMENTS GENERAL FUND OCTOBER 31, 2010 \$682,086**

GARBAGE FUND CASH BEGINNING BALANCE – OCTOBER 1, 2010 \$172,861

CASH RECEIPTS FOR OCTOBER 1,376

CASH DISBURSEMENTS FOR OCTOBER 5,304

GARBAGE FUND CASH ENDING BALANCE OCTOBER 31, 2010 **\$168,933**

**TOTAL CASH AND INVESTMENTS GARBAGE FUND OCTOBER 31, 2010 \$168,933**

SEWER FUND CASH BEGINNING BALANCE – OCTOBER 1, 2010 \$631,227

CASH RECEIPTS FOR OCTOBER 47,743

CASH DISBURSEMENTS FOR OCTOBER 53,198

SEWER FUND CASH ENDING BALANCE OCTOBER 31, 2010 **\*647,572**

SEWER FUND CD'S AS OF OCTOBER 31, 2010

Farmers & Merchants CD \$260,000 @ 1.27% matures 11/20/10 260,000

Flagstar Bank CD - \$200,000 @ 1.40% matures 02/03/2011 200,000

Flagstar Bank CD - \$200,000 @ 1.81% matures 08/03/2011 200,000

660,000

**TOTAL CASH AND INVESTMENTS OCTOBER 31, 2010 \$1,307,572**

\* Includes Sinking Fund for Bond & Interest of \$165,022 (\$21,800 is transferred monthly), Debt Service Reserve of \$261,827, for final bond payment, of which \$260,000 has been moved to a certificate of deposit at Farmers & Merchants Bank, interest will be added quarterly, leaving \$220,723 for operating.

**Bond Indebtedness as of October 31, 2010 is \$2,593,000**